

REMARKS

The specification has been editorially revised. Claims 1-3, 5, 8-10 and 14 have been amended. Claims 1-14 remain in the application. Applicants reserve the right to pursue the original claims and other claims in this application and in other applications. A petition for an extension of time is being filed concurrently herewith.

Claims 1-7 and 9-14 are rejected under 35 U.S.C. § 103 as being unpatentable over Keese. Reconsideration is respectfully requested.

Claim 1 has been amended to clarify that the off-axis chromatic aberration for canceling the off-axis chromatic aberration that is produced by the objective lens, when irradiating a sample in a direction inclined with respect to the optical axis of the objective lens, is produced by a lens other than the objective lens. The Keese system does not irradiate a sample in an inclined direction. Keese merely refers to a plurality of lenses and a plurality of coils for causing a beam through along the central axis of the lenses. Keese does not disclose or suggest actively causing a beam to be inclined with respect to the optical axis of the objective lens, such that the irradiated position on the objective lens is shifted. Nor does Keese suggest the concept of producing an aberration that would cancel the off-axis chromatic aberration produced by shifting the irradiated position.

Claims 4-11 depend from claim 1 and should be allowable along with claim 1, as amended, and for other reasons.

Further, amendments have been made to claims 2 and 3 similarly to claim 1, although claims 2 and 3 refer to coma aberration, among other things. Claims 2 and 3

should be allowable over the prior art of record for reasons similar to those given above, and there are other reasons why the claims should be allowable.

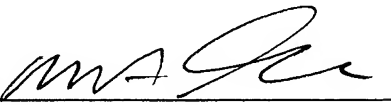
Claims 12 and 13 each recite “an aperture mechanism transportable in a direction perpendicular to the optical axis.” This is an important aspect of the claimed invention. It is not shown or suggested by Keese, and the Office Action provides no meaningful explanation to the contrary. The contention at the top of page 5 of the Office Action, concerning a similar limitation in dependent claim 9, that somehow it would have been obvious to construct an integral structure “in various elements,” is not understood. Keese fails to disclose or suggest the recited “aperture mechanism transportable in a direction perpendicular to the optical axis,” and there is no motivation in the prior art for providing the Keese system with the recited mechanism.

Claim 14 has been amended to clarify that the aberration of one lens is offset by the aberration of another lens. In particular, claim 14, as amended, says that “an aberration is produced that offsets the aberration produced by the inclination of the charged particle beam.” This is an important aspect of the invention of claim 14. It is not disclosed or suggested by Keese. Keese does not irradiate a sample with a charged particle beam at an angle that is inclined with respect to the optical axis. It likewise does not suggest producing an aberration that “offsets the aberration produced by the inclination of the charged particle beam.”

Allowance of the application with claims 1-14 is solicited.

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Respectfully submitted,

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